

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 5:05CV202
(STAMP)

ROBERT V. GILKISON,
PEIRCE, RAIMOND & COULTER, P.C.,
a Pennsylvania professional corporation
a/k/a ROBERT PEIRCE & ASSOCIATES, P.C.,
a Pennsylvania professional corporation,
ROBERT PEIRCE, JR., LOUIS A. RAIMOND,
MARK T. COULTER and RAY HARRON, M.D.,

Defendants.

**ORDER DENYING AS MOOT MOTIONS IN LIMINE,
DENYING AS MOOT DEFENDANT ROBERT PEIRCE &
ASSOCIATES, P.C.'S AND THE LAWYER DEFENDANTS'
OBJECTIONS TO MAGISTRATE JUDGE SEIBERT'S MAY 14, 2009
DISCOVERY ORDER REGARDING RICHARD CASSOFF, M.D. AND
DENYING AS MOOT PLAINTIFF CSX TRANSPORTATION, INC.'S
MOTION FOR CLARIFICATION OF JUNE 4TH, 2009
MEMORANDUM OPINION AND ORDER DENYING
THE PEIRCE DEFENDANTS' MOTION FOR PROTECTIVE ORDER
CONCERNING HARRON-RELATED DOCUMENTS**

On September 15, 2009, this Court granted defendant Ray Harron, M.D.'s motion for summary judgment, as well as the motion for summary judgment regarding Counts 3 and 4 (fraud and civil conspiracy related to Baylor) filed by defendants Robert Peirce, Jr. and Louis A. Raimond. A judgment order was entered in this case that same day.

Accordingly, the following motions in limine are DENIED AS MOOT: Motion in Limine to Preclude CSX from Introducing Evidence of Bad Conduct filed by Ray A. Harron (Doc. No. 706), Motion in Limine to Preclude CSX from Introducing Evidence or Arguing to the

Jury Regarding the Court's Opinion in the matter of In Re Silica Products Litigation filed by Ray A. Harron (Doc. No. 707), Motion in Limine to Preclude CSX from Introducing Evidence of or Relating to B-Reads of X-Rays Other Than His B-Reads of Earl Baylor's X-Rays filed by Ray A. Harron (Doc. No. 708), Motion in Limine to Preclude CSX from Introducing Evidence or Arguing to the Jury Regarding State of Disciplinary Actions Against Dr. Harron filed by Ray A. Harron (Doc. No. 709), Motion in Limine to Preclude Statistical Evidence Relating to the Rate of Asbestosis Among Railroad Employees and to Dr. Harron's Purported Positive Read Rate filed by Ray A. Harron (Doc. No. 710), Motion in Limine to Preclude CSX from Introducing Evidence of his Assertion of His Fifth Amendment Right Against Self-Incrimination in Other Proceedings filed by Ray A. Harron (Doc. No. 711), Motion in Limine to Preclude the Testimony of Lester Brickman filed by Ray A. Harron (Doc. No. 712), Motion in Limine to Exclude Expert Testimony from Doctor Arthur L. Frank, M.D. filed by CSX Transportation, Inc. (Doc. No. 713), Motion in Limine to Exclude the Opinions and Reports of Doctors James W. Ballard, Roy P. Johnson and Henry K. Smith filed by CSX Transportation, Inc. (Doc. No. 714), Motion in Limine to Exclude References to Plaintiff's "Election" Not to Conduct a Physical Examination of Earl Baylor filed by CSX Transportation, Inc. (Doc. No. 715), Motion in Limine to Exclude Medical or Scientific Testimony from Donald Breyer, M.D. Beyond His January 6, 2006 B Read of Earl Baylor's June 11, 2003 X-Ray filed by CSX

Transportation, Inc. (Doc. No. 716), Motion in Limine to Exclude Rule 30(b)(6) Testimony of William Bullock, Ph.D. and Related Arguments filed by CSX Transportation, Inc. (Doc. No. 717), Motion in Limine No. 1 Seeking to Limit the Scope of the Trial to Evidence Related to and Facts Concerning the Claim of Earl Baylor filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 718), Motion in Limine No. 2 Seeking to Preclude CSX from Submitting Evidence or Arguing to the Jury Regarding James Corbitt's Prior Criminal Conviction and Other Collateral Matters Related to Mr. Corbitt filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 719), Motion in Limine No. 3 Seeking to Preclude CSX from Submitting Evidence or Arguing to the Jury Regarding Political Contributions Made by the Defendants filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 720), Motion in Limine No. 4 Seeking to Preclude CSX from Submitting Evidence Related to Mr. Earl Baylor's Asbestos Questionnaire That Was Never Submitted to CSX filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 721), Motion in Limine No. 5 Seeking to Preclude CSX from Submitting Evidence or Arguing to the Jury Regarding Dr. Cassoff or the Asbestos Litigation Trusts filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 722), Motion in Limine No. 6 Seeking to Exclude Evidence, Including Expert Testimony, of the November 2003 CT Report filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 723), Motion in Limine No. 7 to Exclude CSX from Contending that the November 2003 CT Report was in the Peirce Firm's CSX or

Railroad File filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 724), Motion in Limine No. 8 Seeking to Preclude CSX from Submitting Evidence on the Details of the Attorney-Client Relationship Between Mr. Baylor and the Peirce Firm filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 725), Motion in Limine No. 9 Seeking to Preclude CSX from Submitting Evidence Regarding the Purported Prevalence of Asbestosis in Railroaders filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 726), Motion in Limine No. 10 Seeking to Preclude CSX from Submitting Evidence Related to the Dismissal of Mr. Earl Baylor's Lawsuit Against CSX or Its Subsequent History filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 727), Motion in Limine No. 11 Seeking to Exclude Testimony of Plaintiff CSX's Expert Witness Professor Lester Brickman filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 728), Motion in Limine No. 12 Seeking to Exclude Testimony of Plaintiff CSX's Expert Witness David D. Johnson, III, Esq. filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 729), Motion in Limine No. 13 Seeking to Preclude Mark T. Wade and Alexander Nepa, Sr. from Testifying at Trial filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 730), Motion in Limine No. 14 Seeking to Preclude CSX from Submitting Evidence or Arguing to the Jury Regarding Collateral Matters Related to Dr. Ray A. Harron and the Silicosis Litigation filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 731), Motion in Limine No. 15 Seeking to Preclude CSX from Submitting Evidence

or Arguing to the Jury Regarding Dr. Ray A. Harron's Medical Reports on Persons Other than Mr. Earl Baylor filed by Louis A. Raimond and Robert N. Peirce, Jr. (Doc. No. 732), Motion in Limine to Exclude Any Testimony or Evidence Regarding Certain Witnesses in Defendants Robert Peirce, Jr. and Louis Raimond's Rule 26(a)(3) Disclosures filed by CSX Transportation, Inc. (Doc. No. 761).

In addition, defendant Robert Peirce & Associates, P.C.'s and the lawyer defendants' objections to Magistrate Judge Seibert's May 14, 2009 discovery order regarding Richard Cassoff, M.D. (Doc. No. 548) and plaintiff CSX Transportation, Inc.'s motion for clarification of June 4th, 2009 memorandum opinion and order denying the Peirce Defendants' motion for protective order concerning Harron-related documents (Doc. No. 635) are DENIED AS MOOT.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: September 15, 2009

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE